

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

GRANT HEILMAN PHOTOGRAPHY, INC.,)
and)
GRANT HEILMAN,)
Plaintiffs) Civil Action
vs.) No. 11-cv-01665
JOHN WILEY & SONS, INC., and)
JOHN DOE PRINTERS 1-10,)
Defendants)

O R D E R

NOW, this 30th day of March, 2012, upon consideration of the following:

- (1) Plaintiffs' Motion for Preliminary Injunction to Stop Defendant John Wiley & Sons, Inc. from Continuing to Infringe Copyrights, filed March 8, 2011 ("Motion for Preliminary Injunction") (Document 3); together with
 - (A) Declaration of Sonia Wasco dated March 3, 2011 (Exhibit A to Motion for Preliminary Injunction); together with Exhibit 1 to Wasco Declaration;
 - (B) Deposition Under Oral Examination of Jennifer MacMillan, which deposition was taken July 9, 2010 in the matter of John Wiley & Sons, Inc. v. David Hiser, Civil Action No. 09-cv-4307 before the United States District Court for the Southern District of New York (Exhibit B to Motion for Preliminary Injunction);
 - (C) Houghton Mifflin Harcourt's Motion for Partial Summary Judgment on Plaintiff's Request for the Disgorgement of Profits dated August 8, 2008 and filed in the matter of Ted Wood v. Houghton Mifflin Harcourt Publishing Company and R.R. Donnelley & Sons Company, Civil Action No. 07-cv-01516 in the United States District Court for the District of Colorado (Exhibit C to Motion for Preliminary Injunction);
- (2) Defendant's Opposition to Plaintiffs' Motion for a Preliminary Injunction, which opposition was filed by defendant John Wiley & Sons, Inc. on April 11, 2011 ("Defendant's Opposition") (Document 18); together with

- (A) Declaration of Howard Weiner dated April 11, 2011 (Document 18-1); and
- (B) Declaration of Ashima Aggarwal dated April 11, 2011 (Document 18-2); together with Exhibits A, B, and C to Attorney Aggarwal Affidavit (Documents 18-3, 18-4, and 18-5);
- (3) Plaintiffs' Reply on Motion for Preliminary Injunction to Stop Defendant John Wiley & Sons, Inc. from Continuing to Infringe Copyrights, which reply was filed April 25, 2011 (Document 26);
- (4) Plaintiffs' Proposed Findings of Fact and Conclusions of Law filed May 9, 2011 (Document 29); together with
 - (A) Plaintiffs' Memorandum in Support of Proposed Findings of Fact and Conclusions of Law (Document 30);
- (5) Defendant's Proposed Findings of Fact and Conclusions of Law dated and submitted on May 9, 2011; and
- (6) Plaintiffs' Amended Proposed Findings of Fact and Conclusions of Law filed June 1, 2011 (Document 61);

upon consideration of the pleadings, record papers, and hearing exhibits; after hearing held May 16, 17, 20, 31, and June 1, 2011; and for the reasons articulated in the accompanying Opinion,

IT IS ORDERED that the Motion for Preliminary Injunction is denied.

BY THE COURT:

/s/ James Knoll Gardner
James Knoll Gardner
United States District Judge